

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. **7**

Bill No. 49-2008

Introduced by: The Chairperson at the request of the County Executive and
Greg Fox

AN ACT regulating certain residential multi-used sewerage systems; defining certain terms; providing that the County shall act as an approving authority; setting forth responsibilities of the Department of Public Works; setting forth certain standards for design and construction; setting forth certain responsibilities of certain parties; requiring certain covenants; providing for certain rights of entry; authorizing certain fees and methods of enforcement; requiring certain forms of financial security ; and generally relating to residential multi-used sewerage systems in Howard County.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2008 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2008 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that new
2 Subtitle 15 “Multi-used residential sewerage system” is added to Title 18 “Public
3 Works” of the Howard County Code to read as follows:
4

5 **Title 18. Public Works.**

6 **SUBTITLE 15. MULTI-USED RESIDENTIAL SEWERAGE SYSTEM.**
7

8 **SECTION 18.1500. APPLICATION; PURPOSE.**

9 (A) *APPLICATION.*

10 (1) THIS SUBTITLE APPLIES TO MULTI-USED RESIDENTIAL SEWERAGE SYSTEMS
11 THAT SERVE A SINGLE PARCEL AND FOR WHICH A PERMIT IS ISSUED AFTER
12 JANUARY 1, 2008.

13 (2) EXCEPT FOR SECTIONS 18.1503 (A) (1) AND (B) AND 18.1504 (E) (1), THIS
14 SUBTITLE APPLIES TO A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM:

15 (I) FOR WHICH A PERMIT WAS ISSUED ON OR BEFORE JANUARY
16 1, 2008; AND

17 (II) FOR WHICH INSTALLATION HAS NOT BEEN COMPLETED ON OR
18 BEFORE JULY 1, 2008.

19 (~~2~~ 3) THIS SUBTITLE DOES NOT APPLY TO COMMUNITY SEWERAGE SYSTEMS, AS
20 DEFINED IN COMAR 26.03.01.01.

21 (B) *PURPOSE.* THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE PUBLIC HEALTH, SAFETY,
22 AND WELFARE BY ESTABLISHING REQUIREMENTS AND PROCEDURES FOR THE OVERSIGHT OF
23 MULTI-USED RESIDENTIAL SEWERAGE SYSTEMS IN HOWARD COUNTY.
24

25 **SECTION 18.1501. DEFINITIONS.**

26 TERMS USED IN THIS SUBTITLE HAVE THE MEANINGS INDICATED.

27 (A) *APPROVING AUTHORITY.* “APPROVING AUTHORITY” HAS THE MEANING STATED IN
28 COMAR 26.03.01.01.

29 (B) *COMAR.* “COMAR” MEANS THE CODE OF MARYLAND REGULATIONS.

30 (C) *DEPARTMENT.* “DEPARTMENT” MEANS THE DEPARTMENT OF PUBLIC WORKS.

1 (D) *FINANCIAL MANAGEMENT PLAN*. “FINANCIAL MANAGEMENT PLAN” HAS THE MEANING
2 STATED IN COMAR 26.03.01.01 AND SHALL COMPLY WITH SECTION 18.1505 OF THIS
3 SUBTITLE.

4 (E) *HEALTH DEPARTMENT*. “HEALTH DEPARTMENT” MEANS THE HOWARD COUNTY
5 HEALTH DEPARTMENT.

6 (F) *INSTALLATION*. “INSTALLATION” MEANS CONSTRUCTION OF A MULTI-USED RESIDENTIAL
7 SEWERAGE SYSTEM THAT MEETS THE EFFLUENT REQUIREMENTS OF THE SYSTEM’S PERMIT.

8 (F G) *MULTI-USED RESIDENTIAL SEWERAGE SYSTEM*.

9 (1) “MULTI-USED RESIDENTIAL SEWERAGE SYSTEM” MEANS A SINGLE
10 SEWERAGE SYSTEM SERVING A SINGLE PARCEL FOR THE COLLECTION AND
11 DISPOSAL OF RESIDENTIAL SEWAGE OF A LIQUID NATURE, INCLUDING
12 VARIOUS DEVICES FOR THE TREATMENT OF RESIDENTIAL SEWAGE HAVING A
13 TREATMENT CAPACITY IN EXCESS OF 5,000 GALLONS PER DAY.

14 (2) “MULTI-USED RESIDENTIAL SEWERAGE SYSTEM” INCLUDES A SYSTEM
15 SERVING A GROUP OF INDIVIDUALS:

16 (I) WHETHER OWNED OR OPERATED BY AN INDIVIDUAL OR GROUP OF
17 INDIVIDUALS: AND

18 (II) WHETHER UNDER PRIVATE OR COLLECTIVE OWNERSHIP.

19 (3) “MULTI-USED RESIDENTIAL SEWERAGE SYSTEM” SHALL NOT INCLUDE A
20 COMMUNITY SEWERAGE SYSTEM, AS DEFINED IN COMAR 26.03.01.01.

21 (G H) *PERMIT*. “PERMIT” MEANS THE STATE GROUNDWATER DISCHARGE PERMIT ISSUED
22 BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT PURSUANT TO TITLE 9 OF THE
23 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND PERMITTING THE
24 DISCHARGE OF EFFLUENT FROM A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM TO THE
25 GROUND WATERS OF THE STATE OF MARYLAND IN ACCORDANCE WITH THE TERMS OF THE
26 PERMIT.

27 (H I) *RESPONSIBLE PARTY*. “RESPONSIBLE PARTY” MEANS:

28 (1) DURING THE DEVELOPMENT OF A PARCEL SERVED BY A MULTI-USED
29 RESIDENTIAL SEWERAGE SYSTEM, THE DEVELOPER AND OWNER OF THE
30 PARCEL; AND

- 1 (2) AFTER DEVELOPMENT, THE SUCCESSORS OR ASSIGNS OF THE DEVELOPER OR
2 OWNER, AS APPLICABLE, INCLUDING, WITHOUT LIMITATION, A
3 HOMEOWNER’S ASSOCIATION OR CONDOMINIUM ASSOCIATION.
4

5 **SECTION 18.1502. DESIGNATION OF APPROVING AUTHORITY.**

6 THE DEPARTMENT IS THE APPROVING AUTHORITY FOR CERTAIN RESPONSIBILITIES SET
7 FORTH IN THIS SUBTITLE AND COMAR. THE DEPARTMENT SHALL ENTER INTO AN
8 AGREEMENT WITH THE HEALTH DEPARTMENT AND THE MARYLAND DEPARTMENT OF THE
9 ENVIRONMENT TO CARRY OUT THE PURPOSES OF THIS SUBTITLE AND COMAR.
10

11 **SECTION 18.1503. RESPONSIBILITIES OF THE APPROVING AUTHORITY; DESIGN AND**
12 **CONSTRUCTION STANDARDS.**

13 (A) *RESPONSIBILITIES OF THE APPROVING AUTHORITY.* AS THE APPROVING AUTHORITY AND
14 IN ACCORDANCE WITH THE DEPARTMENT’S AGREEMENT WITH THE HEALTH DEPARTMENT
15 AND THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT MAY:

- 16 (1) REVIEW DESIGN AND CONSTRUCTION PLANS, SPECIFICATIONS, AND
17 ENGINEERING REPORTS FOR A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM
18 TO ENSURE COMPLIANCE WITH REQUIRED DESIGN AND CONSTRUCTION
19 STANDARDS;
20 (2) REVIEW THE FINANCIAL MANAGEMENT PLAN FOR THE MULTI-USED
21 RESIDENTIAL SEWERAGE SYSTEM;
22 (3) ANNUALLY REVIEW FINANCIAL STATEMENTS IN A FORM ACCEPTABLE TO
23 THE DEPARTMENT THAT MAY INCLUDE, WITHOUT LIMITATION, A BALANCE
24 SHEET, INCOME STATEMENT, STATEMENT OF CASH FLOW, AND STATEMENT
25 OF ~~RETAINED EARNINGS~~ CAPITAL RESERVES TO ENSURE CONSISTENCY WITH
26 THE FINANCIAL MANAGEMENT PLAN;
27 (4) REVIEW THE QUALIFICATIONS OF THE OPERATOR OF A MULTI-USED
28 RESIDENTIAL SEWERAGE SYSTEM AND THE OPERATOR’S CONTRACT TO
29 ENSURE THAT THE OPERATOR HAS MET THE NECESSARY LICENSING
30 REQUIREMENTS;

- 1 (5) INSPECT A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM DURING
2 CONSTRUCTION TO ENSURE COMPLIANCE WITH CONSTRUCTION PLANS THAT
3 ARE APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT;
4 AND
5 (6) MONITOR COMPLIANCE WITH THE TERMS OF THE PERMIT AND PROVIDE
6 RECOMMENDATIONS TO THE MARYLAND DEPARTMENT OF THE
7 ENVIRONMENT AND THE RESPONSIBLE PARTY REGARDING ANY NEEDED
8 CORRECTIVE ACTIONS.
- 9 (B) *DESIGN AND CONSTRUCTION STANDARDS.* THE DESIGN AND CONSTRUCTION OF A
10 MULTI-USED RESIDENTIAL SEWERAGE SYSTEM SHALL COMPLY WITH THE FOLLOWING:
11 (1) STANDARDS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT;
12 (2) THE PERMIT;
13 (3) STANDARDS OF THE HEALTH DEPARTMENT;
14 (4) STANDARDS OF THE DEPARTMENT ACTING AS THE APPROVING AUTHORITY; AND
15 (5) VOLUME II AND VOLUME IV OF THE DEPARTMENT’S DESIGN MANUAL.

16

17 **SECTION 18.1504. DUTIES OF THE RESPONSIBLE PARTY.**

- 18 (A) *CONSTRUCTION.* THE RESPONSIBLE PARTY SHALL CONSTRUCT A MULTI-USED
19 RESIDENTIAL SEWERAGE SYSTEM IN ACCORDANCE WITH THE PLANS APPROVED BY THE
20 MARYLAND DEPARTMENT OF THE ENVIRONMENT AND AS REQUIRED BY THIS SUBTITLE .
- 21 (B) *OPERATOR INFORMATION.* THE RESPONSIBLE PARTY SHALL SUBMIT TO THE
22 DEPARTMENT A COPY OF THE OPERATOR’S CONTRACT.
- 23 (C) *DECLARATION OF COVENANTS.* THE RESPONSIBLE PARTY SHALL EXECUTE A
24 DECLARATION OF COVENANTS, OR SIMILAR DOCUMENT, TO RUN WITH THE LAND AS
25 REQUIRED UNDER SECTION 18.1506 OF THIS SUBTITLE.
- 26 (D) *REQUIRED DISCLOSURES.* PRIOR TO THE INITIAL SALE OF A RESIDENTIAL UNIT, THE
27 RESPONSIBLE PARTY SHALL DISCLOSE TO A PROSPECTIVE PURCHASER:

1 (1) THE ESTIMATED ANNUAL COST OF THE OPERATION, MAINTENANCE, REPAIR,
2 AND REPLACEMENT OF THE MULTI-USED RESIDENTIAL SEWERAGE SYSTEM
3 FOR THE RESIDENTIAL UNIT SERVED BY THE SYSTEM; AND

4 (2) TERMS, COVENANTS, AND RESTRICTIONS IN ANY DECLARATION OF
5 COVENANT, OR SIMILAR DOCUMENT, AS REQUIRED UNDER SECTION
6 18.1806 OF THIS SUBTITLE.

7 (E) *FINANCIAL MANAGEMENT PLAN AND FINANCIAL STATEMENTS.* THE RESPONSIBLE PARTY
8 SHALL PROVIDE TO THE HEALTH DEPARTMENT AND THE DEPARTMENT:

9 (1) BEFORE THE HEALTH DEPARTMENT SIGNS THE FINAL PLAT, THE FINANCIAL
10 MANAGEMENT PLAN; AND

11 (2) ANNUALLY, FINANCIAL STATEMENTS IN A FORM ACCEPTABLE TO THE
12 DEPARTMENT THAT MAY INCLUDE, WITHOUT LIMITATION, A BALANCE
13 SHEET, INCOME STATEMENT, STATEMENT OF CASH FLOW, AND STATEMENT
14 OF ~~RETAINED EARNINGS~~ CAPITAL RESERVES IN ORDER TO SHOW
15 COMPLIANCE WITH THE FINANCIAL MANAGEMENT PLAN.

16 (F) *FINANCIAL SECURITY.* ~~BEFORE INSTALLING THE MULTI-USED RESIDENTIAL SEWERAGE~~
17 ~~SYSTEM,~~ THE RESPONSIBLE PARTY SHALL PROVIDE FINANCIAL SECURITY IN THE FORM OF A
18 BOND, CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT, OR OTHER SECURITY APPROVED BY
19 THE DEPARTMENT TO GUARANTEE THE COST OF COMPLETING AND MAINTAINING THE
20 MULTI-USED RESIDENTIAL SEWERAGE ~~SYSTEM.~~ SYSTEM:

21 (1) BEFORE THE HOMEOWNERS' ASSOCIATION OR CONDOMINIUM ASSOCIATION
22 BECOMES THE RESPONSIBLE PARTY FOR THE SYSTEM, IF CONSTRUCTION OF
23 THE SYSTEM BEGINS ON OR BEFORE SEPTEMBER 8, 2008; OR

24 (2) BEFORE BEGINNING CONSTRUCTION OF THE SYSTEM, IF CONSTRUCTION OF
25 THE SYSTEM BEGINS AFTER SEPTEMBER 8, 2008.

26 (G) *FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL:*

27 (1) GUARANTEE THE CONSTRUCTION OF THE MULTI-USED RESIDENTIAL
28 SEWERAGE SYSTEM IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS
29 AND STANDARDS OF THE MARYLAND DEPARTMENT OF ENVIRONMENT AND
30 THE COUNTY; AND

1 (2) INCLUDE GUARANTEES BY THE RESPONSIBLE PARTY THAT SHALL INCLUDE
2 THE FOLLOWING:
3 (i) PERFORMANCE FINANCIAL SECURITY IN A FORM ACCEPTABLE TO
4 THE COUNTY IN AN AMOUNT THAT:
5 A. IS EQUAL TO 100% OF THE ESTIMATED COST OF
6 CONSTRUCTION;
7 B. GUARANTEES TIMELY AND SATISFACTORY COMPLETION OF
8 THE MULTI-USED SEPTIC SYSTEM; AND
9 C. GUARANTEES THE OPERATION OF THE MULTI-USED SEPTIC
10 SYSTEM IN ACCORDANCE WITH THE PERMIT; AND
11 (ii) PAYMENT FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE
12 COUNTY IN AN AMOUNT THAT:
13 A. IS EQUAL TO 50% OF THE ESTIMATED COST OF
14 CONSTRUCTION; AND
15 B. GUARANTEES THE PAYMENT OF DEBTS OWED FOR LABOR
16 AND MATERIALS USED IN THE CONSTRUCTION OF THE MULTI-
17 USED SEPTIC SYSTEM; AND
18 (iii) A MAINTENANCE AND REPAIR FINANCIAL SECURITY IN A FORM
19 ACCEPTABLE TO THE COUNTY AND IN AN AMOUNT THAT:
20 A. IS EQUAL TO 50% OF THE ORIGINAL AMOUNT OF THE
21 PERFORMANCE SECURITY; AND
22 B. GUARANTEES THE RESPONSIBLE PARTY’S OBLIGATION TO
23 COMPLETE REPAIRS TO THE MULTI-USED SEWERAGE SYSTEM AND
24 TO REMEDY DAMAGES.
25 (H) FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL BE
26 RELEASED AS FOLLOWS:
27 (1) THE APPROVING AUTHORITY SHALL RETAIN THE PERFORMANCE FINANCIAL
28 SECURITY UNTIL THE LATER OF:
29 (i) ONE YEAR AFTER THE DATE OF ISSUANCE OF A USE AND OCCUPANCY
30 PERMIT FOR THE RESIDENTIAL LOTS WHICH ESTABLISHES
31 OCCUPANCY OF 80% OF THE RESIDENTIAL LOTS SERVED BY THE

1 SYSTEM, IF DURING THE YEAR AFTER ISSUANCE OF THE USE AND
2 OCCUPANCY PERMIT THE REPORTS FOR THE SYSTEM'S OPERATION
3 COMPLIED WITH EFFLUENT REQUIREMENTS OF THE GROUNDWATER
4 DISCHARGE PERMIT; OR

5 (II) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED
6 THE SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12
7 CONSECUTIVE MONTHS;

8 (2) THE APPROVING AUTHORITY SHALL RETAIN THE PAYMENT FINANCIAL
9 SECURITY UNTIL THE LATER OF:

10 (I) THE DATE THE PERFORMANCE FINANCIAL SECURITY IS RELEASED;
11 OR

12 (II) ANY CLAIMS AGAINST THE PAYMENT FINANCIAL SECURITY HAVE
13 BEEN RESOLVED; AND

14 (3) THE APPROVING AUTHORITY SHALL RETAIN THE MAINTENANCE AND REPAIR
15 FINANCIAL SECURITY UNTIL THE LATER OF:

16 (I) ONE YEAR AFTER THE DATE THE PERFORMANCE FINANCIAL
17 SECURITY IS RELEASED; OR

18 (II) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED
19 THE SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12
20 CONSECUTIVE MONTHS.

21
22 **SECTION 18.1505. FINANCIAL MANAGEMENT PLAN.**

23 (A) THE FINANCIAL MANAGEMENT PLAN SHALL DEMONSTRATE THAT ADEQUATE FISCAL
24 RESOURCES WILL BE AVAILABLE TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND
25 REPLACE THE MULTI-USED RESIDENTIAL SEWERAGE SYSTEM FOR EXISTING AND FUTURE
26 NEEDS.

27 (B) THE FINANCIAL MANAGEMENT PLAN SHALL CONTAIN THE ESTIMATED COST OF
28 SERVICE TO EACH RESIDENTIAL UNIT ON AN ANNUAL BASIS AND SHALL PROVIDE ADEQUATE
29 DETAIL TO SUPPORT THE ESTIMATE.

1 **SECTION 18.1506. DECLARATION OF COVENANTS.**

2 (A) *DECLARATION OF COVENANTS.* A DECLARATION OF COVENANT, OR SIMILAR
3 DOCUMENT, RELATING TO THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR,
4 REPLACEMENT, AND USE OF A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM SHALL
5 INCLUDE THE FOLLOWING TERMS AND CONDITIONS:

6 (1) RESPONSIBILITIES OF THE RESIDENTS SERVED BY THE MULTI-USED
7 RESIDENTIAL SEWERAGE SYSTEM; AND

8 (2) A STATEMENT THAT, TO SECURE ALL SHARED COST OBLIGATIONS OF THE
9 RESIDENT BENEFITING FROM THE MULTI-USED RESIDENTIAL SEWERAGE
10 SYSTEM, THE RESIDENT SHALL BE SUBJECT TO THE MARYLAND CONTRACT
11 LIEN ACT IF THE RESIDENT FAILS TO PAY THE RESPONSIBLE PARTY ALL FEES
12 AND CHARGES NECESSARY TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR,
13 REPLACE, AND USE THE MULTI-USED RESIDENTIAL SYSTEM.

14 (B) *REQUIREMENT TO RECORD.* THE DECLARATION OF COVENANT, OR SIMILAR DOCUMENT,
15 REQUIRED BY THIS SECTION SHALL BE RECORDED AMONG THE LAND RECORDS OF HOWARD
16 COUNTY.

17
18 **SECTION 18.1507. RIGHT OF ENTRY.**

19 (A) *GENERALLY.* A REPRESENTATIVE OF THE DEPARTMENT MAY ENTER A PARCEL,
20 INCLUDING ANY RESIDENTIAL UNIT, TO INSPECT A MULTI-USED RESIDENTIAL SEWERAGE
21 SYSTEM AT ANY REASONABLE TIME TO ENFORCE THE REQUIREMENTS OF THIS SUBTITLE.

22 (B) *NOTICE.* EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE
23 REPRESENTATIVE OF THE DEPARTMENT SHALL PROVIDE REASONABLE NOTICE PRIOR TO
24 ENTRY ONTO A PARCEL OR INTO A RESIDENTIAL UNIT.

25 (C) *PROOF OF IDENTITY.* THE REPRESENTATIVE OF THE DEPARTMENT SHALL PRODUCE
26 PROOF OF IDENTITY PRIOR TO ENTRY.

27 (D) *ENTRY REFUSED.* IF ENTRY IS REFUSED, THE DEPARTMENT MAY SEEK A COURT ORDER
28 TO PERMIT ENTRY ONTO THE PARCEL, INCLUDING INTO A RESIDENTIAL UNIT.

1 (E) *IMMINENT DANGER*. THE DEPARTMENT MAY ENTER A PARCEL, INCLUDING A
2 RESIDENTIAL UNIT, AT ANY TIME WHERE THERE IS EVIDENCE THAT AN IMMINENT DANGER
3 EXISTS THAT MAY THREATEN THE PUBLIC HEALTH AND SAFETY.

4
5 **SECTION 18.1508. FEES.**

6 (A) THE DIRECTOR OF THE DEPARTMENT MAY RECOMMEND A SCHEDULE OF FEES TO BE
7 PAID BY A RESPONSIBLE PARTY FOR:

- 8 (1) THE REVIEW OF DESIGN AND CONSTRUCTION PLANS, SPECIFICATIONS, AND
9 ENGINEERING REPORTS AND THE REVIEW OF THE OPERATOR;
10 (2) THE REVIEW OF THE FINANCIAL MANAGEMENT PLAN AND FINANCIAL
11 STATEMENTS;
12 (3) CONSTRUCTION INSPECTION;
13 (4) ONGOING MONITORING; AND
14 (5) OTHER DUTIES AS THE APPROVING AUTHORITY OF A MULTI-USED
15 RESIDENTIAL SEWERAGE SYSTEM.

16 (B) THE SCHEDULE OF FEES SHALL BE ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.

17
18 **SECTION 18.1509. ENFORCEMENT.**

19 (A) *CIVIL PENALTIES*. THE DEPARTMENT MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE
20 WITH CIVIL PENALTIES IN ACCORDANCE WITH TITLE 24 "CIVIL PENALTIES" OF THIS CODE.
21 A VIOLATION OF THIS SUBTITLE IS A ~~CLASS C~~ CLASS A OFFENSE AND EACH DAY THAT A
22 VIOLATION CONTINUES IS A SEPARATE OFFENSE.

23 (B) *OTHER RIGHTS OF ENFORCEMENT*. THE DEPARTMENT:

- 24 (1) SHALL NOTIFY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
25 REGARDING ANY DEFECTS IN THE OPERATION OR FUNDING OF A MULTI-USED
26 RESIDENTIAL SEWERAGE SYSTEM; AND
27 (2) MAY RECOMMEND THAT AN ORDER OF REPAIR BE ISSUED FOR A MULTI-
28 USED RESIDENTIAL SEWERAGE SYSTEM.

1

2 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
3 *Maryland, that this Act shall become effective 61 days after its enactment.*